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10/768,418

01/29/2004

Andrew M. Pluister

1827-045

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12/09/2005

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EXAMINER

RAO, SHRINIVAS H

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,418

Applicant(s)

PLUISTER, ANDREW M.

Examiner

Steven H. Rao

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Application as currently filed does not claim priority from any previously filed patent Application. Therefore currently the earliest available filling date is the U.S. filling date namely January 29, 2004.

EXAMINERS' AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed.

Authorization for this examiner's amendment was given in a personal interview with Mr. Leopold Presser on November 23, 2005 .

Claim 1 lines 5 and 6 delete " flexible strip " and insert therefor – substantially flexible central member" .

Claim 11 line two add " At least one substantially flexible central member including " and in line 6 add after the word adhesive " on at least on said side ".

Similar changes to claim 14 and 23 .

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-13 drawn to a bundle of cables , classified in class 385, subclass 115 .

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II. Claims 14-23, drawn to a method of making cables , classified in class 174, subclass 36.

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process namely the adhesive need not be located with one or more of the first and second sides of the central flexible member.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone /personal conversation with Leopold Presser on 11/23/2005 a provisional election was made with traverse to prosecute the invention of Gr. I, claims 1-13 .

Affirmation of this election must be made by applicant in replying to this Office action.

Claim s 14-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by over Langen et al. (U.S Patent No. 4,997,689 (herein after Lagen).

With respect to claim 1 to the extent understood, Langen describes a bundle of cables comprising: a substantially flexible central member having a first side and a second side;(Langen figure 2 "C".,) an adhesive located on at least one of said first and second sides of the flexible strip; (figure 1, col.4 line 67 to col. 5 line 2) and a plurality of cables for bonding to the adhesive of the flexible strip in a bundled fashion. (Langen figures 1-2, col. 3 line 53-58, col. 5 line 3-4).

With respect to claim 2 Langen describes the bundle of cables of claim 1 wherein the adhesive is heat-activated.(Langen col. 5 lines 25-30).

With respect to claims 3 and 4 Langen describes the bundle of cables of claim 1 wherein the adhesive is a thermoplastic heat sealable resin.(Langen col. 4 lines 20-35).

With respect to claim 5 Langen describes The bundle of cables of claim 1 wherein there are four cables.(Langen figure 2).

With respect to claim 7 Langen describes the bundle of cables of claim 1 wherein the flexible central member is a flexible strip. (Langen col. 5 line 25-26 spirally wound strip).

With respect to claim 8 Langen describes the bundle of cables of claim 7 wherein the flexible strip is a woven polyester tape. (Langen col.4 lines 12 to 53).

With respect to claim 9 Langen describes the bundle of cables of claim 8 wherein the adhesive is a thermoplastic heat-sealable resin. (Langen col. 4 lines 12 to 35 lines 54-55 etc.)

With respect to claim 10 Langen describes the bundle of claim 1 wherein the adhesive is located on the first and second sides of the flexible central member. (Langen col. 5 lines 15 to 20).

With respect to claim 11 Langen describes bundled cables comprising: an adhesive tape having a first side and a second side; a heat-activated adhesive associated with the first side and a second side of the adhesive tape; and a plurality of cables for bonding to the adhesive of the adhesive tape in bundled fashion. (Langen col. 5 lines 10 to 20).

With respect to claim 12 Langen describes bundled cables comprising: a plurality of cables; a substantially flexible strip; and a thermoplastic heat-sealable resin associated with the flexible strip for removably bundling the cables to the flexible strip. (Langen col. 4 lines 12 to 53).

With respect to claim 13 Langen describes the bundled cables of Claim 12 wherein the thermoplastic heat-sealable resin is a hot melt adhesive. (Langen col. 4 line 12 to line 53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langen et al. (U.S Patent No. 4,997,689 (herein after Lagen) as applied to claims 1-5, 7-13 above and further in view of Hillburn (U.S. Patent No. 5,321,202 herein after Hillburn).

With respect to claim 6 Langen describes the bundle of cables of claim 5 without specifying the two cables being RG-6U cables.

However , Hillburn a patent from the same field of invention describes in col.4 lines 55 to 65 etc. the cables are Category 5e cables and two of the cables are RG-6/U cables to provide better and reliable cables for high speed and cable signals and to fulfill industry standards (e.g. CATV, communication , high speed cable, etc.) and FCC requirements .

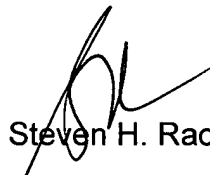
Therefore , it would have been obvious to one of ordinary skill in the art at the time of the invention to include Hillburn's Category 5e cables and two of the cables are RG-6/U in Lagen's bundle in place of Lagen's unspecified cables . The motivation for the suggested substitution is to provide better and reliable cables for high speed and cable signals and to fulfill industry standards (e.g. CATV, communication , high speed cable, etc.) and FCC requirements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H. Rao whose telephone number is (571)272-1718. The examiner can normally be reached on 8.00 to 5.00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fahmy Wael can be reached on (571) 272-1714. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven H. Rao
Patent Examiner

November 23, 2005.



LONG PHAM
PRIMARY EXAMINER

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PRIMARY EXAMINER